

Application Number: 10/697,213
Response to Non-Final Office Action of May 12, 2006

REMARKS

An Office Action was mailed on May 12, 2006. Claims 45, 47-49, 77 and 79-87 are pending. All other claims are canceled.

Claims 45, 47-48 and 79-84 are rejected under 35 U.S.C. §103(a) as being unpatentable over Urbush (U.S. Patent 3,316,576) in view of Volpenhein (U.S. Patent 5,839,148). Claims 85-87 are rejected under 35 U.S.C. §103(a) as being unpatentable over Urbush (U.S. Patent 3,316,576) in view of Volpenhein (U.S. Patent 5,839,148) and further in view of Flewitt (U.S. Patent 5,896,614). Claims 45, 47-49, 77 and 79-84 are further rejected under 35 U.S.C. §103(a) as being unpatentable over Urbush (U.S. Patent 3,316,576) in view of JP 2001-190333.

Applicant appreciates the telephone interview between the Examiner and the Applicant's representative on June 21, 2006. During such telephone interview, Applicant discussed the amendments proposed above and believes that such amendments overcome the prior art of record. Such amendments are clearly supported by the specification and are represented, for example, in FIG. 14 of the instant application.

Specifically, Applicant respectfully submits that the prior art of record fails to teach or reasonably suggest a toothbrush, comprising a handle, a head connected to said handle and having a first surface and a second surface, and a mechanical vibratory device which causes the head to vibrate, wherein said head comprises a first cleaning element extending from said first surface that is non-movable relative to the head, a second cleaning element extending from said first surface that is non-movable relative to the head, a plurality of third cleaning elements disposed between the first and second cleaning elements and being movable relative to the head, and a discontinuity in the form of an opening in the head directly opposite at least one of said plurality of third cleaning elements to allow for movement of the at least one of said plurality of third cleaning elements relative to the head, wherein the at least one of said plurality of third cleaning elements is spaced from the second surface in the direction of the first surface by the opening, as claimed.

Applicant further respectfully submits that the prior art of record fails to teach or reasonably suggest a toothbrush, comprising a head and a mechanical vibratory device which causes the head to vibrate, wherein said head comprises a first surface and a second surface

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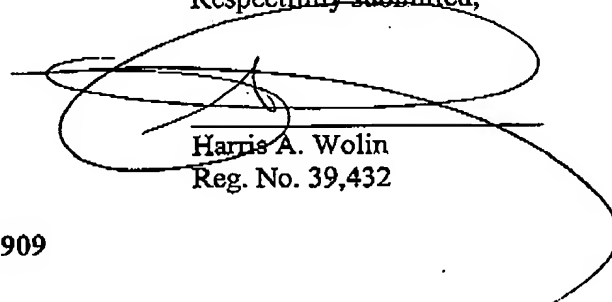
opposite the first surface, a first cleaning element extending from said first surface that is non-movable relative to the head, a second cleaning element extending from said first surface that is non-movable relative to the head, and a plurality of movable elastomeric wipers disposed between the first and second cleaning elements, each of the movable elastomeric wipers being movable relative to the cleaning head within a discontinuity in the form of an opening in the head directly opposite each movable elastomeric wiper, wherein the movable elastomeric wipers are spaced from the second surface in the direction of the first surface by the opening, as claimed.

Neither the Volpenhein '148 nor the JP '333 teach or reasonably suggest a discontinuity in form of an opening, with the movable element spaced away from the discontinuous surface by such opening. In both Volpenhein '148 and JP '333, the movable element is flush with the rear surface of the head.

In view of the above amendments and remarks, it is believed that the pending claims are in condition for allowance. Passage of this case to allowance is earnestly solicited. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 03-2455. Any overpayment may be credited to Deposit Account No. 03-2455.

Respectfully submitted,



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